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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,859	08/23/2001	Masahiko Enari	450100-03421	9497
20999	7590	06/23/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			REFAI, RAMSEY	
			ART UNIT	PAPER NUMBER

2152

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/935,859

Applicant(s)

ENARI, MASAHIKO

Examiner

Ramsey Refai

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Responsive to Amendment received on December 10, 2004.

Claims 1-5 have been amended. Claims 1-5 remain presented for examination.

Response to Arguments

2. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaplan (U.S. Patent No. 5,963,916).

5. As per claim 1, Kaplan teaches an electronic content providing method for performing electronic content provision to a user by using an information terminal in a store, said electronic content providing method comprising the steps of:

accessing a menu of available electronic contents (**column 11, lines 20-43, Figures 10-20**);

acquiring an identification code for identifying an electronic content which is retrieved from among the available electronic contents by using a user terminal linked via a network to a server in which the available electronic contents are recorded (**column 12, lines 48-63, column 4, lines 24-67**); and

supporting the downloading of the retrieved electronic content to a recording medium by inputting the identification code to said information terminal, without performing, in said store, a process for retrieving a specified electronic content from the available electronic contents (**column 12, lines 48-63, column 4, lines 24-67**).

6. As per claim 2, Kaplan teaches an electronic content providing method for performing electronic content provision to a user by using an information terminal in a store, said electronic content providing method comprising the steps of:

accessing a menu of available electronic contents (**column 11, lines 20-43, Figures 10-20**);

downloading, to a portable recording medium, an identification code for identifying an electronic content which is retrieved from among the available electronic contents by using a user terminal linked via a network to a server in which the available electronic contents are recorded (**column 12, lines 48-63, column 4, lines 24-67**); and

supporting the downloading of the retrieved electronic content to the recording medium by supplying the identification code from the recording medium to said information terminal, without performing, in said store, a process for retrieving a specified electronic content from the available electronic contents (**column 12, lines 48-63, column 4, lines 24-67**).

7. As per claim 3, Kaplan teaches an electronic content providing method for performing electronic content provision to a user by using an information terminal in a store, said electronic content providing method comprising the steps of:

accessing a menu of available electronic contents (**column 11, lines 20-43, Figures 10-20**);

retrieving a content from the available of electronic contents by using a user terminal linked via a network to a server in which the available electronic contents are recorded (**column 12, lines 48-63, column 4, lines 24-67**), and

downloading an identification code for identifying the retrieved electronic content (**column 12, lines 48-63**);

verifying the retrieved electronic content by inputting the downloaded identification code to said information terminal, without performing, in said store, a process for retrieving a specified electronic content from the available electronic contents (**column 12, lines 48-63, column 4, lines 24-67**); and

downloading the retrieved electronic content to a recording medium loaded into said information terminal (**column 12, lines 48-63, column 4, lines 24-67**).

8. As per claim 4, Kaplan teaches an electronic content providing method for performing electronic content provision to a user by using a store terminal in a store, said electronic content providing method comprising the steps of:

accessing a menu of available electronic contents (**column 11, lines 20-43, Figures 10-20**);

acquiring an identification code for identifying an electronic content which is retrieved from the available electronic contents by using a user terminal to access via a network a server in which the available electronic contents are recorded (**column 12, lines 48-63, column 4, lines 24-67**);

inputting the identification code to said store terminal, without using said store terminal to perform a process for retrieving a specified electronic content from the electronic contents (**column 12, lines 48-63, column 4, lines 24-67**) and

supporting the purchase of the electronic content corresponding to the identification code (**column 2, line 65-column 3, line 15**).

9. As per claim 5, Kaplan teaches an electronic content providing method for performing electronic content provision to a user by using a store terminal which is installed in a store and which is linked via broadband link to a server in which a plurality of electronic contents are recorded, said electronic content providing method comprising the steps of:

accessing a menu of electronic contents (**column 11, lines 20-43, Figures 10-20**);

acquiring an identification code for identifying an electronic content which is retrieved from the electronic contents by using a user terminal linked via a narrowband link to said server (**column 12, lines 48-63, column 4, lines 24-67**); and

supporting the purchase of the electronic content corresponding to the identification code by inputting the identification code to said store terminal, without using said store terminal to

perform a process for retrieving a specified electronic content from the electronic contents
(column 12, lines 48-63, column 4, lines 24-67, column 2, line 65-column 3, line 15).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2152

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramsey Refai
Examiner
Art Unit 2152

RR
June 16, 2005

 JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
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